

THE KENTUCKY BOARD OF LICENSURE FOR PRIVATE INVESTIGATORS

Minutes August 6, 2009

A regular Board Meeting of the Kentucky Board of Licensure for Private Investigators was held at the Board offices, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, KY on August 6, 2009.

MEMBERS PRESENT

Roger McDonald, Chairman
Craig Newbern, Attorney General's Counsel
Edward Mercer, Private Investigator
Mary Pedersen, Citizen at Large
Daniel Triplett, Private Investigator
Kathryn Witt, Sheriff

OCCUPATIONS & PROFESSIONS STAFF

Frances Short, Executive Director
Adriana Lang, Board Administrator

OTHERS PRESENT

Angela Evans, Board Counsel

CALL TO ORDER

The Chairman, Mr. McDonald, called the meeting to order at 1:05 p.m.

ETHICS TRAINING

Mr. John Steffen, Executive Director from the Executive Branch Ethics Commission spoke to the Board regarding the Executive order 2008-454. Mr. Steffen discussed the Prohibition against Self Dealing, Obligation to disclose and abstain and Acceptance of gifts. Mr. Steffen informed the Board that (1) no member of a state policy-making or regulatory board or commission, personally or through a business of which the member owns or controls an interest of more than five percent (5%), or by any other person for the member's use or benefit (spouse), may hold or enjoy, in whole or in part, any contract, agreement, lease, sale, or purchase made, entered into, awarded, or granted by the board, commission, authority, council or committee on which he or she serves. (2) A state policy-making or regulatory board or commission member must disclose to other members of the board, commission, authority, council or committee of which he or she is a member, any direct or indirect interest in any undertaking that puts the member's personal interest in conflict with that of the board or commission on which he or she serves and if a member who is required to publicly disclose a direct or indirect interest is required to abstain from all decisions concerning his or her interest if the decision will affect him or her as a member of a business, profession, occupation, or group differently from other members of the business, profession, occupation or group. (3) Members of policy-making or regulatory boards and commissions are subject to the gift rules applicable to executive branch public servants found in KRS 11A.045(1). A board or commission member, and his or her spouse and dependent children, are prohibited from accepting gifts, including but not limited to travel expenses, meals alcoholic beverages, and honoraria, totaling a value of more than \$25.00 per source, in a single calendar year, from any person or business that is: (1) Doing business with (2) Regulated by (3) Seeking grants from (4) Involved in litigation against (5) Lobbying, or (6) Attempting to influence the actions of the board, commission, authority, or council on which the member serves. Mr. Steffen discussed the Advisory Opinion 08-16 and Advisory Opinion 09-12. No actions were taken.

APPROVAL OF MINUTES

The minutes of June 4, 2009 and June 17, 2009 meetings were called to the attention of the members. A motion was made by Mr. Mercer to approve the minutes as presented. The motion, seconded by Mr. Newbern, carried.

FINANCIAL STATEMENTS

The Board reviewed the Financial Statements indicating the balance of \$142,358.35 from July 1, 2008 to May 31, 2009 and July 1, 2009 to June 30, 2009. A motion was made by Ms. Pedersen to accept the Financial Statements. The motion, seconded by Mr. Mercer, carried.

LICENSURE STATUS REPORT

The Board reviewed the licensure status report as of August 6, 2009.

DIRECTOR'S REPORT

Ms. Short provided the Board informational e-mails from Schroeder Measurement Technology (SMT) regarding updates to the Iso- Quality Testing, Inc. IQT system. The Board asked Ms. Short to contact SMT to inquire about how many exam sites are available in the Commonwealth of Kentucky.

Ms. Short informed the Board that the Board new website is active and suggested to the Board members to make their licenses and professional associations aware of the new website.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 10:00 am.

The Board discussed their complaint procedures and 201 KAR 41:080. Mr. Triplett made a motion to add an agreed order to all cease and desist letters that are mailed out by the Board. The motion, seconded by Ms. Witt, carried.

Ms. Witt expressed concerns regarding being a member of the Complaint Committee. Mr. Newbern requested to be removed from the Complaint Committee. The Board accepted Ms. Newbern's request. Mr. Mercer made a motion to appoint Ms. Witt as a member of the Complaint Committee. The motion, seconded by Mr. Triplett, carried. The Board announced that Ms. Pedersen, Mr. Triplett and Ms. Witt are the new members of the Complaint Committee.

Ms. Pedersen made a motion to close complaint number 09-001. The motion seconded by Mr. Newbern, carried.

The Board discussed the Brian Finney/ Whitehall Bureau, Inc. case. Ms. Evans informed the Board that she received additional information regarding the case and there weren't any complaints or new information. Mr. Triplett made a motion to close the Brian Finney/ Whitehall Bureau, Inc. case. The motion, seconded by Ms. Witt, carried.

OLD BUSINESS

The Board reviewed the 201 KAR 41:030 (1), (2) and (3). The Board agreed that any applicant that fails the private investigators exam will be eligible to retake the exam unlimitedly within six months from the application approval date. Additionally, the applicants will be subject to pay the exam fee each time.

The Chairman, Mr. McDonald, made a suggestion to schedule a retreat to review and draft new statute regarding KRS 329A.070 (9). The Board requested Ms. Short to find out if there is any availability at Lake Barkley for a retreat/Special Board Meeting on October 21-24, 2009.

The Board reviewed correspondences from Kelly Riddle and Kelmar and Associates, Inc. regarding licensure requirements. The Board agreed that Mr. Riddle applications has been denied for failure to comply with the 201 41:050 Section 4 (3), and that Mr. Riddle has to reapply for licensure and meet the current requirements.

The Board reviewed an appeal request from Terri L. Russell. The Board authorized Ms. Evans to move forward with the appeal process for Ms. Russell.

NEW BUSINESS

The Board reviewed an e-mail from the Fiscal Section stating that effective July 1, 2009 the mileage reimbursement is .42 cents per mile.

The Board nominated Mr. Newbern as a new member of the Applications Review Committee. Mr. Newbern accepted the nomination. Therefore, the Board announced that Ms. McDonald, Mr. Mercer and Mr. Newbern are the new members of the Applications Review Committee.

APPLICATION REVIEW COMMITTEE

The Applications Review Committee met at 10:00 am. Mr. Mercer made a motion to approve the applications committee recommendations. The motion, seconded by Mr. Triplett, carried.

INDIVIDUALS APPROVED WITH PROVISIONS: *Carroll Adams, Kristin Buck, Brittany Dixon, Seth Frazee, Damon Gowdy, Larry Todd, Elizabeth Osbourn, James Sniegock and Ray Womack.*

COMPANIES APPROVED WITH PROVISIONS: *The Insight Group. LLC.*

INDIVIDUALS APPROVED BY RECIPROCITY: *Robert Lewis and Richard Niner.*

The Board deferred Phillip Rowe and Birdeye Investigations, LLC. to provide a background check from the state of California. Mr. Mercer made a motion for Ms. Evans to send a letter to the state of California, requesting their Board to add the Kentucky Board of Licensure for Private Investigators as a recipient of their background checks in order to facilitate applicants from California to obtain a Kentucky license. The motion, seconded by Mr. Newbern, carried.

TRAVEL AND PER DIEM

A motion was made by Mr. Mercer to approve payment of travel expenses and per diem compensation for eligible members in attendance at today's meeting. The motion, seconded by Mr. Triplett, carried.

ADJOURNMENT

The Chairman, Mr. McDonald, informed the Board that the next meeting is scheduled for Thursday, September 3, 2009, at 1:00 p.m., the Application Review Committee Meeting at 11:00 p.m. Having no further business to be brought before the Board, a motion was made by Mr. Mercer to adjourn. Motion seconded by Ms. Pedersen, carried. The meeting adjourned at 3:00 p.m.

APPROVED